

Prob 12  
(Rev. 3/88)

**UNITED STATES DISTRICT COURT  
For The  
WESTERN DISTRICT OF PENNSYLVANIA**

**U.S.A. vs. Herbert Lamont Ballard**

**Docket No. 00-00049-001**

**Petition on Supervised Release**

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Herbert Lamont Ballard, who was placed on supervision by the Honorable Donetta W. Ambrose sitting in the Court at Pittsburgh, Pennsylvania, on the 20th day of July 2001, who fixed the period of supervision at five years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- Pay a \$100 special assessment.
- Participate in drug testing and treatment as directed.

07-20-01: Possession With Intent to Distribute Cocaine/Conspiracy, 37 months' imprisonment, followed by 5 years' supervised release.  
03-27-02: Order, Judge Ambrose; Term of imprisonment reduced to 33 months, followed by 5 years' supervised release.  
11-08-02: Released to supervision; Currently supervised by U.S. Probation Officer Donald A. Covington.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:**

Your Petitioner reports that the supervised releasee has violated the following supervision conditions:

**While on supervised release, the defendant shall not commit another Federal, state or local crime and shall not illegally possess a controlled substance.**

Your Petitioner reports that on August 25, 2004, in the Allegheny County Court of Common Pleas at CC No. 200401658, the supervised releasee pled guilty to Driving Under the Influence of Alcohol (two counts) and Driving While Operating Privilege is Suspended. The supervised releasee was sentenced to the Allegheny County Jail for 48 hours with permission to do his jail time at alternative housing. A probation term of one year was also ordered. The above offense occurred on December 4, 2003, which was during the supervised release term.

Your Petitioner reports that on December 2, 2005, in the Allegheny County Court of Common Pleas at CC No. 200509184, the supervised releasee pled guilty to Possession of a Small Amount of Marijuana. No further penalty was imposed. The above offense occurred on February 8, 2005, which was during the supervised release term.

Your Petitioner reports that on September 22, 2005, the supervised releasee was arrested by the Pittsburgh Police and charged with Driving Under the Influence, Possession of a Small Amount of Marijuana, Driving While Operating Privilege is Suspended, and Driving Without a Registration Plate. At CC No. 200517472, a formal arraignment is scheduled for February 10, 2006.

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**The defendant shall refrain from any unlawful use of a controlled substance.**

Your Petitioner reports that urine samples obtained from Mr. Ballard on June 17, 2004, and on June 2, 2005, tested positive for marijuana.

**The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.**

Your Petitioner reports that the supervised releasee failed to report to the probation office as directed by the probation officer on August 25, 2005; September 22, 2005; and October 7, 2005. The supervised releasee has also failed to submit a monthly supervision report form since May 2005.

**The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.**

Your Petitioner reports that the supervised releasee failed to report the arrests that occurred on February 8, 2005, and on September 22, 2005.

PRAYING THAT THE COURT WILL ORDER that the supervised releasee appear in Federal Court, Courtroom No. 3B, Suite 3280, U.S. Post Office and Courthouse, Pittsburgh, PA with legal counsel on \_\_\_\_\_ at \_\_\_\_\_ to show cause why his supervised release should not be revoked.

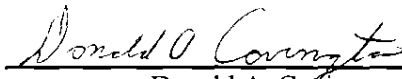
I declare under penalty of perjury that the foregoing is true and correct.

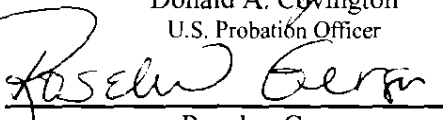
Executed on January 5, 2006

ORDER OF COURT

Considered and ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and ordered filed and made a part of the records in the above case.

\_\_\_\_\_  
Chief U.S. District Judge

  
Donald A. Covington  
U.S. Probation Officer

  
Roselyn Gerson  
Supervising U.S. Probation Officer

Place: Pittsburgh, PA